

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7472

BILL NUMBER: SB 180

DATE PREPARED: Mar 8, 2001

BILL AMENDED: Mar 6, 2001

SUBJECT: Anti-terrorism Measures.

FISCAL ANALYST: John Parkey

PHONE NUMBER: 232-9854

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the Indiana Emergency Medical Services Commission to provide training and certification standards for the administration of antidotes, vaccines, and antibiotics in situations related to a terrorist or military attack. The bill requires the State Department of Health to monitor dangerous communicable diseases and outbreaks of diseases known or suspected to be used as weapons. It also requires the State Department of Health to develop capabilities and procedures to identify unknown substances that may be weapons.

The bill defines "terrorism" and "weapon of mass destruction". It imposes criminal penalties for terrorism, agricultural terrorism, and false reporting of the placement or introduction of a weapon of mass destruction. It also enhances the penalty for computer tampering when the offense is committed for the purpose of terrorism.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (Revised) The Emergency Medical Services Commission could incur additional administrative expenses related to fulfilling this bill's provisions. Any additional costs can be absorbed within the Commission's existing budget.

This bill will require the Department of Health to perform a preliminary analysis on biological substances that have been or may be employed as a biological weapon. Based on estimates from the Department of Health, the cost of the program is estimated to be \$200,000 in the first year and \$100,000 in subsequent years. This bill does not contain an appropriation.

Penalty Provision: The bill changes the following penalties related to terrorism: (1) increases the penalty associated with offense of tampering with a computer if the offense is done for the purpose of terrorism to a Class C felony; (2) further increases the penalty associated with the tampering with a computer to a Class

B felony if the offense is committed for the purpose of terrorism *and* causes serious bodily harm; (3) makes the offense of falsely reporting a weapon of mass destruction a Class D felony; (4) creates a Class B felony for the offense of committing terrorism; (5) creates a Class A felony for the offense of committing an act of terrorism which causes serious bodily injury or death; and (6) makes the offense of committing an act of agricultural terrorism a Class C felony. The following table lists the average time served for the felonies mentioned in this bill.

<u>Felony</u>	<u>Average Time Served</u>
Class A	8 years, 4 months
Class B	3 years, six months
Class C	2 years
Class D	10 months

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures range from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Health, Emergency Medical Services Commission, Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Department of Health, State Emergency Management Agency, Indiana Sheriffs Association, Department of Correction.